

AMENDED IN SENATE AUGUST 7, 2006

AMENDED IN SENATE JUNE 14, 2006

AMENDED IN ASSEMBLY APRIL 25, 2006

AMENDED IN ASSEMBLY MARCH 20, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1940

Introduced by Assembly Member Koretz

February 1, 2006

An act to add Section 30237 to the Public Resources Code, and to add Chapter 5.2 (commencing with Section 13367) to Division 7 of the Water Code, relating to the environment.

LEGISLATIVE COUNSEL'S DIGEST

AB 1940, as amended, Koretz. Environment: marine debris: plastic discharges.

(1) Existing law, the California Coastal Act of 1976, provides for the maintenance, enhancement, or restoration of the marine environment, where feasible.

This bill would require the State Coastal Commission, to the extent feasible and within its existing resources: (1) to convene a multiagency task force, consisting of specified representatives from the *commission, the Department of Fish and Game, the Department of Conservation, the State Water Resources Control Board, the California Integrated Waste Management Board, the Department of Boating and Waterways, the State Coastal Conservancy, and the San Francisco Bay Conservation and Development Commission*, for the purpose of implementing a statewide marine debris reduction effort;

and (2) to undertake certain actions, as specified. The bill would also make various legislative findings regarding marine debris.

(2) Under existing law, the Porter-Cologne Water Quality Control Act, the State Water Resources Control Board and the California regional water quality control boards are the principal state agencies with authority over matters relating to water quality. Under existing law, the state board and the regional boards prescribe waste discharge requirements for the discharge of waste in accordance with the federal national pollutant discharge elimination system (NPDES) permit program established by the federal Clean Water Act and the Porter-Cologne Water Quality Control Act. Existing law requires a person who discharges waste into the waters of the state in violation of waste discharge requirements, or other order or prohibition issued by a regional board or the state board, upon the order of that regional board or the state board, to clean up the waste or to abate the effects of the waste. The act authorizes the state board or a regional board to issue a cleanup or abatement order.

This bill would require the state board and the regional boards to implement measures for the control of plastic pellet, powder, and fragment discharges from point and nonpoint sources, including the implementation of best management practices for the control of plastic pellet, powder, and fragment discharges in specified regions by specified dates.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares that the
- 2 increasing problem of marine debris is harmful to the marine
- 3 resources, particularly sensitive species that ingest or become
- 4 entangled in floating debris. The Legislature further finds that a
- 5 coordinated effort among state agencies is necessary to create a
- 6 comprehensive response to reduce the harmful effects of marine
- 7 debris.
- 8 SEC. 2. Section 30237 is added to the Public Resources
- 9 Code, to read:
- 10 30237. The commission shall, to the extent feasible and
- 11 within its existing resources, take actions it deems appropriate to

1 address the issue of marine debris, including, but not limited to,
2 all of the following:

3 (a) Increase public awareness of the issue of marine debris
4 through public outreach and education.

5 (b) Improve coordination and collaboration among public
6 agencies, including local governments, to reduce marine debris.

7 (c) (1) Convene a multiagency task force for the purpose of
8 implementing a statewide marine debris reduction effort.
9 Representatives on the task force shall include *the Executive*
10 *Director of the commission, or a designee; the Director of Fish*
11 *and Game, or a designee; the Director of Conservation; a*
12 *member of, or the Executive Director of, the State Water*
13 *Resources Control Board as determined by that board; a member*
14 *of, or the Executive Director of, the California Integrated Waste*
15 *Management Board, as determined by that board; the Director of*
16 *Boating and Waterways; a member of, or the Executive Officer*
17 *of, the State Coastal Conservancy, as determined by the*
18 *conservancy; and a member of, or the Executive Director of, the*
19 *San Francisco Bay Conservation and Development Commission,*
20 *as determined by that commission.*

21 (2) Commencing in 2008, the task force shall submit a
22 semiannual written report to the Ocean Protection Council,
23 summarizing all of the progress made by public agencies and
24 organizations in addressing marine debris, and suggested actions
25 to improve state efforts. The report's findings and
26 recommendations shall be presented to the Ocean Protection
27 Council as part of a noticed public meeting of the council.

28 (d) Seek funding from public and nongovernmental sources to
29 support actions that further the purpose of this section to reduce
30 the introduction of debris into the marine environment.

31 SEC. 3. Chapter 5.2 (commencing with Section 13367) is
32 added to Division 7 of the Water Code, to read:

33
34 CHAPTER 5.2. PLASTIC DEBRIS ERADICATION PROGRAM
35

36 13367. (a) The state board and the regional boards shall
37 implement measures for the control of plastic pellet, powder, and
38 fragment discharges from point and nonpoint sources.

39 (b) The program shall require the implementation of best
40 management practices for the control of plastic pellet, powder,

- 1 and fragment discharges in the following regions in accordance
- 2 with the following schedule:
- 3 (1) In the Los Angeles region, by September 1, 2007.
- 4 (2) In the North Coast region, San Francisco Bay region, and
- 5 Central Coast region, by March 1, 2008.
- 6 (3) In the Santa Ana region, San Diego region, Central Valley
- 7 region, Lahontan region, and Colorado River Basin region, by
- 8 September 1, 2008.